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July 14, 1997

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Marsha J. MacBride, Esq.
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1919 M Street, N.W. Room 802
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RECEIVED

JUL 14 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: MM Docket No. 87-268


EX PARTE

Dear Ms. MacBride:

On behalf of Fouce Amusement Enterprises, Inc., I have enclosed an outline of points regarding the DTV channel assignment for its licensed television broadcast Station KRCA, Riverside, California. These points have been set forth in more detail in Fouce's pending Petition for Reconsideration and Motion for Partial Stay of the Sixth Report and Order in the above-referenced docket. Copies of the Petition, as corrected with pages from the subsequently filed amended Engineering Statement, and Motion are also enclosed. We anticipate discussing these points with Commissioner Quello at our scheduled meeting on Thursday, July 17, 1997, at 10:30 a.m.

In accordance with Section 1.1206(b)(1) of the Commission's Rules, two copies of this letter and the outline have been filed with the Secretary for inclusion in the public record of this proceeding. Fouce's Petition, amended Engineering Statement, and Motion for Partial Stay are already a part of this record.

Very truly yours,



William D. Wallace

Enclosures

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Fouce Amusement Enterprises, Inc.
Station KRCA-TV, Riverside, California

KRCA currently operates on Channel 62 in the Los Angeles market. The Sixth Report and Order assigned DTV Channel 69 to KRCA. This channel is not usable for DTV operations in Los Angeles. Moreover, if this assignment were not changed, KRCA would be the only station in the Los Angeles market with both NTSC and DTV channels outside the DTV core spectrum. KRCA has asked that it be assigned a new DTV channel within the core spectrum.

I. Channel 69 Is Not a Viable DTV Channel Assignment.

- KRCA's DTV transmitter would be essentially collocated with 24 land mobile base stations operating within 6 MHz of Channel 69.
- The Commission has properly concluded that operation of DTV transmitters within 10 miles of adjacent-channel land mobile operations is not technically viable. Sixth Report and Order, ¶ 164; see KRCA's Petition for Reconsideration, at 6-12.
- In these circumstances, Section 73.687(e)(4)(ii) of the Commission's Rules would preclude KRCA from operating DTV Channel 69 at even 1% of its authorized power. See KRCA's Petition for Reconsideration, at 14.
- No filters or equipment modifications or other methods of avoiding interference to these land mobile operations are currently available. See KRCA's Petition for Reconsideration, at 12-15.

II. Assignment of Channel 69 to KRCA Is Inconsistent with FCC Policies.

- KRCA's DTV channel assignment violates the 110-mile separation rule the Commission adopted for adjacent-channel land mobile operations. 47 C.F.R. § 73.623(e).
- Assignment of Channel 69 contradicts the Commission's decision to eliminate DTV assignments within 10 miles of adjacent-channel land mobile facilities. Sixth Report and Order, ¶ 164
- Because Channel 69 is not usable as a DTV channel, its assignment to KRCA is inconsistent with the Commission's goals of full accommodation and service area replication for existing TV stations. Sixth Report and Order, ¶¶ 11, 29.

- The Commission originally proposed DTV Channel 26 for KRCA. The Commission had never assigned Channel 69 in the Los Angeles market until the Sixth Report and Order, and, therefore, no party had any opportunity to comment on it.
- Assignment to KRCA of two channels outside the core, while other stations were assigned two channels within the core, is inconsistent with Section 336(c) of the Communications Act and arbitrarily denies KRCA the advantages the Commission granted to all other Los Angeles market stations. See KRCA's Petition for Reconsideration, at 22-23.

III. Other Parties Have Recognized That Assignment of DTV Channel 69 to KRCA Is Contrary to the Public Interest.

- The Land Mobile Communications Council filed a Petition for Reconsideration of the Sixth Report and Order, demonstrating that KRCA's Channel 69 assignment would result in harmful interference to land mobile operations.
- The County of Los Angeles filed a Petition for Reconsideration in which it objects to KRCA's DTV assignment because of the potential for interference to its own adjacent-channel land mobile stations.
- The Association for Maximum Service Television identified the Los Angeles market as one of three problem markets in which the DTV channel assignments require revision, specifically recognizing the land mobile interference problem for KRCA and requesting that the Commission address the assignment of DTV Channel 69 to KRCA.
- Eight other Los Angeles area broadcasters have filed petitions for reconsideration requesting modifications to the DTV Table. None of these requests should be resolved unless a new DTV channel is assigned to KRCA. See KRCA's Motion for Partial Stay and Petition for Reconsideration of the Sixth Report and Order.